

Sample

Mark-to-Market OAHP Preservation Office to Owner re: Determination of Ineligibility

Form 6.11

From: OAHP Preservation Office
To: Owner
Transmission: Overnight Hard Copy - With Evidence of Receipt
Date: _____
Project Name: _____
FHA Number: _____ REMS ID Number _____
Section 8 HAP Contract Number: _____

Dear: (Owner)

After a thorough review, OAHP has determined that you, as owner, are Ineligible for Restructuring under the Mark-To-Market program. We have discussed our concerns and conclusions with (PAE) and the HUD Hub/Program Center.

The basis for this determination is:

You may appeal this Determination of Ineligibility, including demonstrating that the reason for such determination has been cured. Your appeal must be in writing, must be received by OAHP within 30 calendar days after your receipt of this letter and must contain the factual basis for your appeal. Please be as specific as possible (address comparables used, adjustments made, findings made, etc.) and include appropriate supporting documentation as necessary.

You may request that OAHP prepare a Restructuring Commitment that includes a condition that the property be sold or transferred to a purchaser acceptable to HUD. This request must be made to the PAE within 30 days from the date of this letter or upon a final determination by OAHP. Additional conditions regarding a sale are required. Please contact the PAE, if this process is contemplated.

[If the rents have not already been reduced to market and if a Contract is being offered]

Attached is a new Section 8 HAP Watch List Contract and a Certification of Reduction in Rents. The new Contract will take effect (date). The market rents reflected in the new contract are as follows:

0 Bedroom: _____

1 Bedroom: _____
2 Bedroom: _____
3 Bedroom: _____
4 Bedroom: _____

In order to continue receiving Section 8 rent subsidies, you must execute and send the attached Contract and Certification to the HUD Project Manager. Your execution of the Contract will not impact any appeal in process. If rent levels are adjusted as a result of the appeals process, the adjustments will be retroactive. Contact your HUD Project Manager (name and phone number) for further information. HUD's execution of the contract is conditioned upon the availability of funds. Please also provide a copy of the executed contract to us for tracking purposes.

If the enclosed Section 8 HAP Contract is not executed, HUD may be unable to honor your requisitions and may have no choice but to assume that you intend to opt out of the Section 8 Program. In order to begin procedures to provide Section 8 tenant-based assistance to the tenants of this property, you will be given a short-term renewal at market rents in order to comply with the one-year Notice requirements to tenants or to provide sufficient time to process tenant-based vouchers. If your decision is to opt out, we strongly urge you to contact your HUD Project Manager immediately to avoid contract expiration as of the rent expiration date listed above.

Sincerely,
OAHP Preservationl Director

cc: OAHP HQ
PAE
HUD Multifamily Hub or Program Center